

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TERA A. McMILLIAN,

Plaintiff,

vs.

**ALABAMA DEPARTMENT OF
YOUTH SERVICES and
MICHAEL J. HARDY,**

Defendants.

Case No: 2:07:CV-01-WKW

DEFENDANTS JOINT STATEMENT CONCERNING TITLE VII AND 42 U.S.C. §1983

COMES NOW the undersigned counsel on behalf of the Alabama Department of Youth Services and Michael J. Hardy and files this joint statement concerning the merger of Plaintiff's Title VII and 42 U.S.C. § 1983 claims. After careful review of case law, counsel was not able to ascertain more specific case law to support the position that the Plaintiff is not entitled to proceed with her claims against the Alabama Department of Youth Services under Title VII and Michael Hardy under 42 U.S.C. § 1983. Therefore the undersigned counsel respectfully withdraws its previous position concerning this issue for this matter. _____

Respectfully submitted this 27th day of June, 2008.

s/ T. Dudley Perry Jr.

T. Dudley Perry, Jr.

Bar Number: 3985-R67T

General Counsel

Attorney for the Defendant

Alabama Department of Youth Services

Post Office Box 66

Mt. Meigs, AL 36057

Telephone: (334) 215-3803

Fax: (334) 215-3872

E-Mail: dudley.perry@dys.alabama.gov

s/ James Eldon Wilson

James Eldon Wilson

Attorney at Law

4625 Lomac Street

Montgomery, AL 36106

Telephone: (334)409-2003

Fax: (334)409-2009

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June, 2008, I electronically filed the foregoing, **DEFENDANTS JOINT STATEMENT CONCERNING TITLE VII AND 42 U.S.C. §1983** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jimmy Jacobs

E-mail:jacobslawoffice@charter.net

Attorney At Law

143 Eastern Boulevard

Montgomery, AL 36117

Tel: (334) 215-1788

Fax: (334) 215-1198

s/ T. Dudley Perry Jr.

General Counsel